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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,483	12/12/2001	Edward O. Clapper	884.611US1	6788

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EXAMINER
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TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 03/25/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/020,483

Applicant(s)

CLAPPER, EDWARD O.

Examiner

Cam Y T Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

1. Claims 1-30 are pending in this Office Action.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4 are drawn to analyzing a document into sequence words, classified in class 704, subclass 9.
- II. Claims 5-30 are drawn to search documents classified in class 707, subclass 3.

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, analyzing a document into sequence words in invention I can be used to store words in a document database. Search documents in invention II can be used in retrieving document from a database. See MPEP § 806.05(d).

4. The inventions are distinct, each from the other because of the following reasons:  
Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. During a telephone conversation with Walter Nielsen a provisional election was made without traverse to prosecute the invention of group II, claims 5-30. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-4 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-8, 10, 11, 13-15, 17, 20-22, 24 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki (USP 6689946) in view of Berke (USP 6629094).

As to claim 5 and 27, Chase teaches the claimed limitations:

“a computing device receiving a search string including an ordered sequence of syllable counts” as the input display screens display an input menu 51 for inputting the number of syllables or sounds and an input menu 52 for inputting a part of speech. As the search condition including the number of syllables and the part of speech is entered by using the search condition designation unit F, the entered search condition is sent to the word search unit I. This information indicates that the system receives user’s input that includes an ordered sequence of number of syllables (col. 8, lines 5-30).

Funaki does not explicitly teach the claimed limitation “using the ordered sequence of syllable counts to retrieve from a database a document uniquely represented by the search string”. Berke teaches uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database. Web site is represented as a document (col. 9, lines 57-60).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke’s teaching of uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique

combination stored in the database into Chase's system in order to save time for users reading or search documents and eliminate displaying irrelevance document to a user.

As to claims 6, 14 and 21, Funaki teaches the claimed limitation "in receiving, the search string includes a word in place of the word's syllable count" as (fig. 12).

As to claim 7, Funaki teaches the claimed limitation "the search string includes two words in place of each respective word's syllable count" as (col. 8, lines 40-45).

As to claims 8, 15 and 22, Funaki teaches the claimed limitation "the database comprises a plurality of records, each comprising an ordered listing of words and an ordered syllable count listing" as (fig. 9).

As to claims 10 and 17, Funaki teaches the claimed limitation "in using, the input ordered sequence of syllable counts is matched with at least one corresponding ordered sequence of syllable counts within the database" as (col. 8, lines 5-50).

As to claims 11 and 29, Funaki does not explicitly teach the claimed limitation "displaying the document via the display". Berke teaches displaying the web site that is represented as a document. This information indicates that the system has included a display for displaying the web site to a user (col. 6, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke's teaching of displaying the web site to Funaki's system in order to allow a user can view and read information on a web site or a document.

As to claims 13 and 20, Funaki teaches the claimed limitations:

"receiving via the user interface a search string including an ordered sequence of syllable counts" as the input display screens display an input menu 51 for inputting the number of syllables or sounds and an input menu 52 for inputting a part of speech. As the search condition including the number of syllables and the part of speech is entered by using the search condition designation unit F, the entered search condition is sent to the word search unit I. This information indicates that the system receives user's input that includes an ordered sequence of number of syllables (col. 8, lines 5-30).

Funaki does not explicitly teach the claimed limitation "using the ordered sequence of syllable counts to retrieve from the database a document uniquely represented by the search string". Berke teaches uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique combination stored in the database. Web site is represented as a document (col. 9, lines 57-60).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berke's teaching of uniquely identifying the single web site corresponding to said search criteria by examining said database for the unique

combination stored in the database into Chase's system in order to save time for users reading or search documents and eliminate displaying irrelevance documents to a user.

As to claims 24 and 28, Funaki teaches the claimed limitation "in using, the input ordered sequence of syllable counts is matched with at least one corresponding ordered sequence of syllable counts within the database" as (col. 8, lines 5-50).

9. Claims 9, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki (USP 6689946) in view of Berke (USP 6629094) and further in view of Erickson (USP 5765152).

As to claims 9, 16 and 23, Funaki and Berke discloses the claimed limitation subject matter in claim 8, 15 and 22, except the claimed limitation " each database record comprises a work from the group comprising a literary work, a song lyric, a dramatic work, a motion picture script, and an audiovisual script". Erickson teaches electronic media stored within the memory means, the media being a digital representation of at least one of (i) literary work, (ii) musical work, (iii) dramatic work, (iv) choreographic work, (v) pictorial work, (vi) audiovisual work, (vii) a sound recording, and (viii) architectural work (col. 28, lines 13-17).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Erickson's teaching of electronic media stored within



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the memory means, the media being a digital representation of at least one of (i) literary work, (ii) musical work, (iii) dramatic work, (iv) choreographic work, (v) pictorial work, (vi) audiovisual work, (vii) a sound recording, and (viii) architectural work in order to allow a user to search/retrieve a media record.

10. Claims 12, 18, 19, 25, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funaki (USP 6689946) in view of Berke (USP 6629094) and further in view of Wu (USP 5991756).

As to claims 12, 19 and 26, Funaki and Berke disclose the claimed limitation subject matter in claim 11, 18 and 25, except the claimed limitation Funaki does not explicitly teach the claimed limitation "a plurality of documents are retrieved, and wherein the method further comprises: displaying the plurality of documents via the display". Wu teaches displaying hypertext documents that indicates the system has included a display for displaying hypertext documents to a user (col. 1, lines 55-57).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Funaki's teaching of displaying hypertext documents to allow a user can view and read information on a web site or a document.

As to claims 18 and 25, Funaki and Berke disclose the claimed limitation subject matter in claim 13 and 20, except the claimed limitation "displaying the document via the user interface. Wu teaches displaying hypertext documents that indicates the

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system has included a display for displaying hypertext documents to a user (col. 1, lines 55-57).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Funaki's teaching of displaying hypertext documents to allow a user can view and read information on a web site or a document.

As to claim 30, Funaki and Berke disclose the claimed limitation subject matter in claim 13, 20, except the claimed limitation "a display; wherein, in using, a plurality of documents are retrieved; and wherein the instructions, when accessed, result in the machine performing: generating a list of best-matched hits; and displaying the list of best-matched hits via the display". Wu teaches displaying hypertext documents that indicates the system has include a display for displaying hypertext documents to a user after searching terms in each candidates document (col. 1, lines 55-57; col. 2, lines 35-45).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Funaki's teaching of displaying hypertext documents after searching terms in each candidates document to allow a user can view and read information on a web site or a document.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

George (USP 5832478).


***Contact Information***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Y Truong whose telephone number is (703-605-1169). The examiner can normally be reached on Mon-Fri from 8:00AM to 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (703-305-9790). The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Cam-Y Truong

3/16/04

  
**SHAHID ALAM**  
**PRIMARY EXAMINER**